

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: May 24, 2006

Re: CONDITIONAL USE PERMIT (CUP): Traditional Neighborhood Development (TND) – Cornerstone, 1207 and 1226 Greenview Drive.

I. PETITIONER

JBO, LLC, 113 Goldenrod Place, Lynchburg, VA 24502

Representative(s): Mr. Mark Borel, JBO, LLC, 113 Goldenrod Place, Lynchburg, VA 24502
Mr. Jeff Allen, JBO, LLC, 113 Goldenrod Place, Lynchburg, VA 24502

II. LOCATION

The subject property is a tract of approximately one hundred twenty three (123) acres located at 1207 and 1226 Greenview Drive.

Property Owner(s): Robert A. & Judy Glass Wooldridge, 1226 Greenview Drive, Lynchburg, VA 24502
HAB Company, LLC, P. O. Box 324 Forest, VA 24551

III. PURPOSE

The purpose of this petition is to allow the construction of a Traditional Neighborhood Development (TND) similar to the existing Wyndhurst Development located on Enterprise Drive. The development as proposed would have a low yield of six hundred fifth (650) residential units and one hundred thousand (100,000) square feet of commercial space with a possible high yield of one thousand (1000) residential units and two hundred thousand (200,000) square feet of commercial space. Both scenarios would dedicate two and one tenth (2.1) acres to civic uses and thirty five and four tenths (35.4) acres to parks, squares or open space. Neither scenario proposes any industrial or manufacturing use.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends a mixed use development for the area.
- Petition agrees with the Zoning Ordinance in that a TND is a permitted use in an R-1, Single-Family Residential District upon approval of a Conditional Use Permit by the City Council.
- The purpose of the Design Review Board meeting is to determine if the objectives of Section 35.1-43.5b of the Zoning Ordinance have been met; consider the aesthetic and architectural relationships with the surrounding area.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a “Mixed Use” for the subject property. These areas do not fit into any single use category as they are planned for a mix of uses carefully designed so as to mitigate any potential land use conflicts. The *Comprehensive Plan* specifically states that the Greenview Planned Development Area (PDA) “should offer a mix of housing types at a maximum residential density of twelve (12) dwelling

units per acre. A commercial area should not be required for this PDA, but if requested, it should be small, at the neighborhood or convenience commercial scale, since there are ample commercial areas along Timberlake Road. Traditional Neighborhood Development (TND) principles will apply. Pedestrian/bicycle connections to Timberlake Road should be provided through medium and/or high density residential areas north of Greenview PDA and via the Resource Conservation Area shown on the Future Land Use Map. **(page 4.21)**

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low-Density, Single-Family Residential and R-C, Conservation District zoning was established in 1978 with the adoption of the City's current Zoning Ordinance. Traditional Neighborhood Developments are permitted uses in these districts upon approval of a Conditional Use Permit by the City Council and provided that the intent and objectives of the Zoning Ordinance are met.

Section 35.1-43.5, Traditional Neighborhood Developments states "it is the intent of the traditional neighborhood development (TND) section to provide opportunities for the creation of new neighborhoods designed along the traditions of small town and urban neighborhood development prevalent in the United States from colonial times until the 1940's. These design traditions created communities that fostered strong connections between people as they lived, worked, shopped, learned, recreated, and worshiped. Because TNDs are tightly knit and incorporate an integrated mix of uses, they do not meet the development standards of the city's existing zones. Therefore, this TND section is provided to offer a flexible set of land use and design regulations based on performance standards that will allow traditional neighborhood development subject to site-specific city review. Where TNDs are deemed appropriate by the city council, all dimensional specifications, setback, buffering, and landscaping requirements, and location of parking facilities and recreation facilities prescribed elsewhere in this ordinance are herein replaced by an approval process in which the approved TND plan and design guidelines become the basis for continuing land use controls".

Objectives of the Traditional Neighborhood Development Ordinance are discussed in Section 3, Design Review Board, below.

3. **Design Review Board.** Section 35.1-43.11, Traditional Neighborhood Development Application and Review requires that the proposed development be reviewed by the City's Design Review Board. The Design Review Board must determine if the proposed TND plan meets the following objectives of the TND Ordinance as outlined in Section 35.1-43b of the Zoning Ordinance:
 - (1) The design of the neighborhood allows residents to work, shop, and carry out many of life's other activities within the neighborhood.
 - (2) A mix of land uses is provided. The proximity of uses allows residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school.
 - (3) A variety of housing types is provided at a range of densities, types (multi-family, townhouse, and single-family), and costs. Neighborhoods are heterogeneous mixes of residences in close proximity to commercial and employment uses.
 - (4) The neighborhood includes a retail, office, employment, and/or entertainment core to provide economic and social vitality and a major focus and meeting place in the community.

(5) The circulation system serves many modes of transportation and provides choices for alternative transportation routes. Streets, alleys, and pedestrian and bike paths connect to the surrounding area to the extent possible. Streets and alleys generally follow a grid pattern to provide these route choices and connections. Traffic calming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety.

(6) The overall intensity of development is designed to be high enough to support transit service.

(7) A system of parks, open spaces, civic, public, and institutional uses is included to create a high quality of life and civic identity for the community.

(8) The cluster concept is embraced so as to concentrate development in environmentally suitable areas and to preserve and protect important environmental and cultural resources.

The Design Review Board must also consider the aesthetic and architectural relationships of the proposed TND with the surrounding area.

The Design Review Board reviewed the proposed development on April 26, 2006 and attended a tour of the property on May 2, 2006. At its May 2, 2006, the Design Review Board voted 3-0 (with 1 member absent, Hamilton) that the proposed development meets the objectives outlined in the TND Ordinance.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
5. **Surrounding Area.** The following items have required City Council approval in the immediate area:

06/28/83, City Council approved the Conditional Use Permit petition of Rainbow Church of God at 1227 Greenview Drive to allow the construction of a sanctuary.

11/08/83, City Council approved the rezoning petition of Andrew Ellett to rezone one and two tenths (1.2) acres at 797 and 799 Leesville Road from R-1, Low Density, Single-Family Residential District to B-3, Community Business District (Conditional) to allow the installation of gasoline pumps and the sale of gasoline.

05/14/85, City Council approved the Conditional Use Permit petition of CHA Construction Company off Timberlake Road (Golden Pond) to allow the construction of a recreation center and parking area within the 100 year floodway.

08/12/86, City Council approved the Conditional Use Permit petition of Berean Baptist Church at 1400 Greenview Drive to allow the construction of a church building and parking area.

10/13/87, City Council approved the rezoning petition of Glenn and Jo Anne Carter to rezone three and five tenths (3.5) acres at 794 Leesville Road from R-1, Low-Density, Single-Family Residential District to B-3, Community Business District (Conditional) to allow a nursery expansion.

09/12/89, City Council approved the rezoning petition of Hunter Associates, Inc. to rezone four tenths (0.4) acre at 795 Leesville Road from R-1, Low-Density, Single-Family Residential District to B-1, Limited Business District to allow the construction of an office building.

01/12/93, City Council approved the rezoning petition of Lowes Home Centers, Inc. to rezone sixteen (16) acres at 8208, 8216, 8300, 8308 and 8312 Timberlake Road and 1012 Greenview Drive from B-1, Limited Business District and B-3, Community Commercial District to B-5, General Business District (Conditional) to allow the construction of a home improvement center, restaurant and associated parking.

04/13/99, City Council denied the rezoning petition of Calla Forlines Mounts and Jo Anne Carter to rezone two and six tenths (2.6) acre at 794 Leesville Road and Greenview Drive from R-1, Low-Density, Single-Family Residential District and B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional) to allow the construction of a convenience store.

08/10/99, City Council approved the rezoning petition of Gerald and Deborah Maxey to rezone eight tenths (0.8) acre at 794 Leesville Road from B-3, Community Business District (Conditional) to B-1, Limited Business District (Conditional) to allow a counseling service.

02/13/01, City Council approved the Conditional Use Permit petition of American Legion Post 16 at 1301 Greenview Drive to allow the construction of a building addition.

- 6. Site Description.** The subject property is a tract of approximately one hundred and twenty-three (123) acres located at 1207 and 1226 Greenview Drive. The largest track located at 1226 Greenview Drive (also known as the Wooldridge Farm) is currently being used for agricultural purposes. It contains a two-story residential structure and associated out buildings. The smaller track located at 1207 Greenview Drive is currently vacant land and is adjacent to townhomes located in Campbell County. The property is bordered to the northeast by a single-family neighborhood (Windsor Hills), to the southeast by an institutional use (Berean Baptist Church) to the southwest by a mixture of institutional uses (Tree of Life Ministries, Greenview Church of God and American Legion Post #16) townhomes and single-family residences and to the northwest by commercial, townhomes and single-family residences.

The property is crossed by Dreaming Creek from north to south. A portion of the property adjacent to Dreaming Creek is located within the 100 Year Flood Zone. The property has good topography with the highest elevations being at the southeastern corner and dropping gently to the northwest.

- 7. Proposed Use of Property.** The proposed use of the property is a Traditional Neighborhood Development that would have a range of four hundred (400) to six hundred (600) multi-family units, two hundred (200) to three hundred (300) single-family attached units, fifty (50) to one hundred (100) single-family detached dwellings, one hundred thousand (100,000) square feet to two hundred thousand (200,000) square feet of commercial space, two and one tenth (2.1) acres of civic uses and thirty-three and seven tenths (33.7) acres of park space. The ranges listed are in compliance with those required by Section 35.1-43.7. Permitted uses in traditional neighborhood developments.
- 8. Traffic and Parking.** The submitted TND plan indicates six (6) new connections to Greenview Drive and connection to two (2) existing stub streets at the northeastern side of the property. The intersection at Lighthouse Drive would be signalized and would be the main entrance into the development.

Based upon the high yield development scenarios proposed, the City's Traffic Engineer conducted a traffic study to determine the traffic impacts of the proposed development. The traffic study describes the existing conditions of Greenview Drive as: "Greenview Drive is currently a 2-lane facility with a rural cross section. The intersection of Greenview Drive and

Leesville Road has three approaches with a through/right lane and a through/left lane. One approach, heading westbound, has a left-turn lane and one through/right lane. Current land uses consist of single family residential homes and a townhouse community off of Lighthouse Drive. On the study network, there is one signalized intersection at Leesville Road and Greenview Drive and one major unsignalized intersection at Lighthouse Drive and Greenview. The other signalized intersection is at Greenview Drive and Timberlake which is owned and maintained by the Virginia Department of Transportation (VDOT)."

The traffic study determined trip generation for the development using the Trip Generation Manual, 7th Edition. It was determined that the proposed development would generate ten thousand, two hundred fifty-seven (10,257) new daily trips and generate an additional nine hundred twenty-nine (929) trips during the "p.m." peak hour.

The traffic study concludes that the following improvements to Greenview Drive should be completed by the year 2009:

1. Add a left and right turn lane at all approaches to the intersection of Leesville Road and Greenview Drive.
2. Improve Greenview Drive to a four-lane boulevard facility. If Greenview Drive is not improved to four lanes left turn lanes should be added at all full access project driveways.
3. Add a signal at Lighthouse Drive and Greenview Drive.

One item of concern that has been expressed by neighboring residents is the two (2) proposed connections to the existing stub streets at the northeastern boundary of the proposed development. The primary reason for this concern is the idea that the proposed development will create a large amount of "cut thru" traffic in the Windsor Hills area.

Connections between neighborhood areas are a standard planning practice. These connections are important to enhance mobility and circulation. The importance of connectivity is discussed in the Urban Land Institute's [ULI] "Ten Principles for Growth on the Fringe". Within the document, the ULI highlights that "interconnected streets provide multiple access points and optional travel patterns" that ultimately reduce congestion. This concept is echoed within the City's own Midtown Plan that highlights how developments since the 1950's have been generally less connected and less walkable. These connections are important for two reasons. First, they provide a finer network of streets with grater options for automobile travel; this reduces the need for wider arterial streets by maximizing the alternative route choices. Second, the finer network of streets increases the walkability of the thoroughfare network by providing shorter routes for pedestrians and bicyclists.

Parking for the proposed development will be in the form of on street parking along the streets within the proposed development and off street parking lots as described within the submitted design guidelines.

9. **Stormwater Management.** A stormwater management and erosion sediment control plan will be required for the proposed development. Since the project is in the "master planning" stage detailed design documents for stormwater management and erosion and sediment control have not been prepared. Stormwater management will most likely be addressed by the use of a retention pond integrated into the overall design of the TND. Stormwater management will be required to address quantity and quality of run off. Protection of Dreaming Creek should be easily obtained since it is well within the boundaries of the proposed park area.

10. Emergency Services. Lynchburg Fire Department has reviewed the submitted Master Plan. The Fire Department has noted the need to insure that street widths are appropriate to facilitate emergency vehicle movement and fire hydrants are made available. These comments will be addressed through a more detailed site plan review required prior to building permits being issued. The Fire Department does not foresee any need for additional stations or equipment based on the proposed development scenarios.

The Lynchburg Police Department commented that the development should provide adequate lighting and accessibility for police patrols. Design guidelines submitted for the development indicate adequate street lighting and TND principles address accessibility and other public safety issues.

11. Impact. The project Developers, Planners and Engineers conducted an informational neighborhood meeting on April 25, 2006 at Tree of Life Ministries. The meeting was well attended by neighborhood residents, Planning Commissioners, City Council Members and City Staff. The Planning Division has also received numerous inquiries and concerns related to the proposed development.

The following is the overall theme of concerns expressed at the neighborhood meeting and citizen comments to Planning Staff:

1. The property should remain as “green space” or be developed entirely for single-family homes.
2. The proposed density of the development is too high.
3. The proposed connections to the two (2) existing stub streets will create “cut thru” traffic in the Windsor Hills Neighborhood.
4. The proposed development will create additional traffic on Greenview Drive.
5. The project will contain “low income” housing.
6. The proposed development will obstruct the view shed of the mountains.

The City’s *Comprehensive Plan*, Future Land Use Map recommends a “Residential, Mixed Use” for the subject property and recommends it be developed as a Traditional Neighborhood Development with a mix of housing types of up to twelve (12) units per acre. The plan states that if a commercial area is requested it should be small at the neighborhood convenience scale. The submitted TND master plan indicates a high yield residential development of eight and one tenths (8.1) dwelling units per acre and indicates a core commercial area of seven and eight tenths percent (7.8%) of the net development area. The plan as submitted is in Compliance with the City’s *Comprehensive Plan* and Future Land Use Map.

The Wooldridge Farm property is one (1) of the last remaining large tracts of land located within the City Limits as identified in the *Comprehensive Plan*. It is not likely that the area will remain as “green space” as the City continues to develop. The property could be developed “by right” under the R-1, Low-Density, Single-Family zoning with approximately two hundred fifty (250) single-family homes. As suggested in the *Comprehensive Plan* the City should make good use of these last remaining tracts of large land.

The proposed development will increase the amount of traffic on Greenview Drive. However, as noted in the Traffic Study, improvements to this road will be required with or without the proposed development. City Staff conducted an additional traffic study in the Windsor Hills neighborhood on April 17 and 18 during “a.m. and p.m.” peaks. The purpose of the study was

to determine the amount of “cut thru” traffic that currently exists in the neighborhood. City Staff will be prepared to discuss the findings of this study at the Planning Commission meeting. It is important to note that if the property was developed as single-family homes as permitted by right, the connections to the stub streets could be made without any public hearing process. They would require approval from the City Council for dedication only.

While it is unlikely that the proposed development will contain “low income” housing, it is beyond the scope of the City’s regulatory authority of zoning to prohibit it. This concern has probably arisen due to the rumor that an apartment complex in the Wyndhurst TND was funded by the Virginia Housing Development Authority (VHDA). In reality the Department of Housing and Urban Development (HUD) provides mortgage insurance for the apartments. Conversations with the property managers of the “Villas at Wyndhurst Ridge” indicate that these apartments will not be subsidized in any way.

While the submitted guidelines indicate that buildings within the core area will be a maximum of six (6) stories, due to the topography of the site, the view of the mountains should not be restricted from the properties where it currently exists.

Traditional Neighborhood Developments are permitted upon approval of a Conditional Use Permit (CUP) by the City Council. If approved the design guidelines and master plan essentially become the zoning for the subject property. The submitted guidelines are adequate to facilitate the development of the property into a well designed, functioning neighborhood. The design guidelines go far beyond any aesthetic control that could be regulated under the Zoning Ordinance.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the master plan for the proposed TND on April 21, 2006. The TRC noted the need for minor revisions which have been addressed. Individual projects will be required to be reviewed by the specially created design review board for the Cornerstone TND and the TRC prior to any permits being issued.

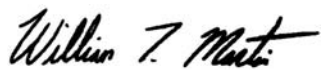
VI. PLANNING DIVISION RECOMMEND MOTION:

BASED UPON THE PRECEEDING FINDINGS OF FACT THAT THE PLANNING COMMISSION RECCOMENDS APPROVAL OF THE CONDITIONAL USE PERMIT PETITION OF JBO, LLC FOR A TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) AT 1207 AND 1226 GREENVIEW DRIVE SUBJECT TO THE FOLLOWING CONDITIONS:

1. The property shall be developed in substantial compliance with the submitted master plan entitled “Cornerstone” Traditional Neighborhood Development dated April 24, 2006 and prepared by Sympoetica, Community Planners & Designers and Hurt & Proffitt, Inc., Engineers.
2. The property shall be developed in compliance with the Design, Landscaping & Screening and Architectural Guidelines for the Cornerstone TND dated April 12, 2006 and prepared by Sympoetica, Community Planners & Designers.

3. **The following uses shall require the approval of a conditional use permit by the City Council before being allowed within the Cornerstone Development:**
 - a. **Veterinarian Hospitals with or without outdoor kennels**
 - b. **Care Centers, excluding day care centers**
 - c. **Churches or other places of worship**
 - d. **Group Homes**
 - e. **Nursing Homes or Assisted Living Facilities**
 - f. **Community Swimming Pools**
 - g. **Commercial Recreation Establishments**
 - h. **Public or Community Recreational Facilities**
4. **Stormwater Management facilities will be integrated into the overall design of the development and design is subject to the approval of the City's Environmental Planner and the Cornerstone Design Review Board.**
5. **Water quality will be addressed thru a combination of Best Management Practices (BMP's) and low impact development standards. Design of water quality measures is subject to approval of the City's Environmental Planner and the Cornerstone Design Review Board.**
6. **All amenities in the area designated as park on the submitted master plan shall be the responsibility of the developer. All park areas shall be connected to the overall development by a series of trails and or sidewalks. All improvements are subject to approval by the Director of Parks and Recreation.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
2. **Vicinity Proposed Land Use**
3. **Site Plan**
4. **Design Guidelines**
5. **Traffic Study**
6. **Citizen Comments**